



***MINUTES OF THE ONE-HUNDRED-AND-EIGHTY-FIRST
MEETING OF THE MERIT BOARD – August 17, 2011***

State Universities Civil Service System Office

1717 Philo Road, Suite 24

Urbana, Illinois 61802

&

(Video Conference)

University of Illinois at Chicago

College of Pharmacy

Room 270

833 South Wood Street

Chicago, Illinois

&

(Video Conference)

Southern Illinois University Carbondale

Morris Library

Conference Room, 1st Floor

605 Agricultural Drive

Carbondale, IL

&

(Video Conference)

Western Illinois University – Quad Cities Campus

60th Street Campus

Room 114

3561 60th Street

Moline, IL

Chair Maitland called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Joanne E. Maitland, Chair, representing Illinois State University; Karen Hasara, representing the University of Illinois; and Robert T. Marshall, Jr., representing Northern Illinois University.

Members present at the Chicago videoconference location were: Bruce Friefeld, representing Governors State University; Marvin Garcia, representing Northeastern Illinois University; Patricia Brown Holmes, representing the University of Illinois; and James D. Montgomery, representing the University of Illinois.

Member present at the Carbondale videoconference location was: Donna Manering, representing Southern Illinois University

Member present at the Quad Cities videoconference location was: Steven L. Nelson, representing Western Illinois University.

Members absent were: Betsy Hill, representing Chicago State University; and Robert D. Webb, representing Eastern Illinois University,

Also present were: Lewis T. (Tom) Morelock, Executive Director; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

Consideration of participation by other Merit Board Members, not physically present at meeting site

No members requested participation by teleconference.

Introduction of new Merit Board Members

Chair Maitland welcomed two new members to the Merit Board. Marvin Garcia, representing Northeastern Illinois University, replaced Grace Dawson and Steven L. Nelson, representing Western Illinois University, replaced William L. Epperly.

Public Comments

The University System office received one request to present public comments from Phil Martini, Vice President, SEIU Local 73. Dr. Manering made a motion to allow Mr. Martini to address the Merit Board regarding exemption procedures for Principal Administrative Appointments. Mr. Montgomery seconded Dr. Manering's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. After checking all of the

sites, Mr. Martini was not available at any of the meeting locations, so his public comments were not presented.

Consideration of the Minutes of the 180th Meeting of the Merit Board, May 18, 2011

The minutes of the 180th meeting of the Merit Board, May 18, 2011 had been transmitted to members of the Merit Board with the agenda materials.

Mr. Friefeld moved to approve the minutes of the 180th meeting of the University Civil Service Merit Board. Mr. Montgomery seconded Mr. Friefeld's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceeding Number UIC-11-10 filed against David L. Wegner by the University of Illinois at Chicago

On July 22, 2011, the Secretary for the Merit Board mailed the Hearing Record for the David L. Wegner (UIC-11-10) discharge case to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the Written Charges for Discharge and alternative orders. On April 18, 2011, Mr. Wegner was served with Written Charges for Discharge. The alleged grounds for discharge were the following:

- (1) theft of services (parking);
- (2) unauthorized personal use of Departmental Parking Key Card;
- (3) operating university vehicles without valid Driver's License;
- (4) failure to report suspension of Driver's License;
- (5) placing University of Illinois at risk for potential liability; and
- (6) unethical behavior.

A discharge hearing was held on June 2, 2011 at the university. Mr. Wegner was employed at the University of Illinois at Chicago as a Maintenance Laborer since December 17, 2006 and as an Extra Help employee from November 7, 2005 – May 20, 2006 and June 26, 2006 – December 16, 2006. Mr. Wegner's duties included the maintenance of campus grounds and athletic fields, landscaping, and snow/ice removal. A requirement of his position was to obtain and retain a valid State of Illinois driver's license in order to operate university vehicles. The Hearing Officer determined that, by a preponderance of the evidence presented, the University had sustained its burden of proof for all of the charges listed above .

After a brief discussion, Chair Maitland asked for a motion on this discharge matter. Mr. Montgomery made a motion that Mr. Wegner be discharged from the University of Illinois at Chicago. Ms. Hasara seconded Mr. Montgomery's motion.

A roll call vote was taken and the motion was approved with the following vote:

Mr. Montgomery.....	Aye
Mr. Nelson.....	Aye
Dr. Webb	Absent
Mr. Friefeld.....	Aye
Mr. Garcia.....	Absent
Ms. Hasara.....	Aye
Ms. Hill.....	Absent
Judge Holmes	Absent
Mrs. Maitland.....	Aye
Dr. Manering	Aye
Mr. Marshall.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

DAVID L. WEGNER,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. UIC-11-10
UNIVERSITY OF ILLINOIS AT CHICAGO,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT CHICAGO**, employer, against **DAVID J. WEGNER**, employee, by service of Written Charges for Discharge by certified mail on April 18, 2011 and the Employee-Petitioner, **DAVID J. WEGNER**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on June 2, 2011 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated April 18, 2011
2. Suspension Notice Pending Discharge, dated April 18, 2011
3. Employee-Petitioner's written request for a Hearing, dated April 19, 2011
4. Acknowledgement of Hearing request to Employee-Petitioner, dated April 26, 2011
5. Notice of Hearing to Hearing Officer Simon , dated May 12, 2011
6. Notice of Convening of Hearing to the parties of record, dated May 12, 2011
7. University of Illinois Witness and Exhibit List
8. Transcript of Evidence and Exhibits
9. University's Closing Argument, dated June 9, 2011
10. Findings of Fact, rendered by Hearing Officer Simon, dated June 13, 2011
11. Certification of Hearing Record, dated June 24, 2011
12. Letter to Merit Board members, dated July 22, 2011

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains the following charges of the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, against the employee, **DAVID J. WEGNER**, and establishes just cause for discharge, as follows:
 1. theft of services (parking);
 2. unauthorized personal use of departmental parking keycard;
 3. operating university vehicles without valid driver's license;
 4. failure to report suspension of driver's license;
 5. placing University of Illinois at risk for potential liability; and
 6. unethical behavior.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, to the extent not inconsistent with the findings made herein.
2. The employee, **DAVID J. WEGNER**, is hereby separated from the service of his employer, **UNIVERSITY OF ILLINOIS AT CHICAGO**, and that the effective date of his discharge shall be as of August 17, 2011.

DATED AND ENTERED this 17th day of August, 2011.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland

Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceeding Number SIUSM-11-1 filed against Stephanie Walston by Southern Illinois University School of Medicine

On August 5, 2011, the Secretary for the Merit Board mailed the Hearing Record for the Stephanie Walston (SIUSM-11-1) discharge case to each member of the Merit Board. On August 9, 2011, the Secretary for the Merit Board mailed additional material to the Merit Board regarding the case. The Merit Board was asked to review the case and be prepared to act on this discharge matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the Written Charges for Discharge and alternative orders. On April 28, 2011, Ms. Walston was served with Written Charges for Discharge. The alleged grounds for discharge were the following:

- (1) compromising patient safety by injecting 4-month old new patient with Hepatitis A vaccine instead of Hepatitis B, as well as Kinrix vaccine instead of Dtap on April 13, 2011. Patient was to receive Hepatitis B, Dtap, Hib, IPV and Prevnar vaccines. Patient will need to have Hepatitis B administered at one year of age as a result of the error. By administering Kinrix, which contains Dtap and IPV, the patient received two IPV vaccines; and
- (2) improper reporting of compromised patient safety by not appropriately reporting the above action. It is noted that Ms. Walston reported the first injection error, Hepatitis A vaccine, to Danika Holman, Ambulatory Care Manager. However, Ms. Walston failed to report the second injection error, Kinrix vaccine. Laura Law, PA-C, informed Ms. Holman that Ms. Walston had mentioned to her that she may have inadvertently given another vaccine other than the one that had been reported earlier that day. Ms. Walston was instructed to report this second error to Ms. Holman and failed to do so.

A discharge hearing was held on June 7, 2011 at the university. Ms. Walston was a Medical Assistant at Southern Illinois University School of Medicine Family and Community Medicine Clinic in Decatur, Illinois since January 1, 2008. Part of Ms. Walston's required duties included

administering immunizations. Ms. Walston had been properly trained on administering immunizations according to the vaccine administration policy for the university. Ms. Walston had also been trained on the proper procedures for reporting medical errors. The Hearing Officer found that the university had not sustain its burden of proof regarding charge 1 based on the University's Employee Guidelines that stated "Registered nurses may not delegate duties requiring the specialized knowledge, judgment and skill of a licensed nurse." Regarding Charge 2, the Hearing Officer found that the university had sustained its burden of proof. Ms. Walston knew Ms. Holman was her interim supervisor. Ms. Walston had informed Ms. Holman about the first incident and, even though she had informed other clinic staff of the second error, Ms. Walston missed multiple opportunities to take the initiative and inform Ms. Holman as soon as possible about what had happened regarding the second error.

Chair Maitland stated that both the Employee-Petitioner and the Employer-Respondent had filed motions to appear before the Merit Board. Mr. Montgomery made a motion to allow both parties to present oral arguments. Ms. Hasara seconded Mr. Montgomery's motion.

A roll call vote was taken and the motion was approved with the following vote:

Mr. Montgomery.....	Aye
Mr. Nelson.....	Aye
Dr. Webb	Absent
Mr. Friefeld.....	Aye
Mr. Garcia.....	Absent
Ms. Hasara.....	Aye
Ms. Hill.....	Absent
Judge Holmes	Absent
Mrs. Maitland.....	Aye
Dr. Manering	Aye
Mr. Marshall.....	Aye

Frank Martinez, Attorney for Employer-Respondent, stated that the university felt that there was sufficient evidence to support the discharge on both of the charges. Ms. Walston had reported the first error correctly and she in fact had not reported the second error when she was told to so by the Physician Assistant. A four month old child had gone without proper treatment for a 24-hour period because of second error. No physical or medical harm was done to the child. Mr. Martinez further stated that returning Ms. Walston back to work could cause a major liability for the university if she was to commit another error. In summary, Mr. Martinez asked that the Merit Board uphold the discharge of Ms. Walston.

Stephanie Walston, Employee-Petitioner, stated that the employees at the clinic had been informed that the Physician Assistant was able to handle any emergencies and that was why she had reported the second incident or error to the Physician Assistant. Ms. Walston further stated that she felt what she had done was correct by reporting the error to the Physician Assistant. At the time of the incident, the clinic was short-handed and without an RN. Ms.

Walston stated that she was very regretful of the situation, but that another employee who was an LPN was also involved and was in charge of ordering the vaccines for the clinic and knew what vaccines were on hand at the clinic.

After discussion by the Merit Board, Chair Maitland asked for a motion on this discharge matter. Mr. Montgomery made a motion to reinstate Ms. Walston with a 60-day suspension. Mr. Friefeld seconded the motion.

A roll call vote was taken and the motion was approved with the following vote:

Mr. Montgomery.....	Aye
Mr. Nelson.....	Aye
Dr. Webb	Absent
Mr. Friefeld.....	Aye
Mr. Garcia.....	Aye
Ms. Hasara.....	Aye
Ms. Hill.....	Absent
Judge Holmes	Aye
Mrs. Maitland	Aye
Dr. Manering	Aye
Mr. Marshall	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

STEPHANIE WALSTON,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
Employee-Petitioner,)	
	)	DISCHARGE PROCEEDING
v.)	
	)	No. SIUSM-11-1
SOUTHERN ILLINOIS UNIVERSITY School)	
of Medicine,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE**, employer, against **STEPHANIE WALSTON**, employee, by service of Written Charges for Discharge by certified mail on April 28, 2011 and the Employee-Petitioner, **STEPHANIE WALSTON**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on June 7, 2011 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated April 28, 2011
2. Suspension Notice Pending Discharge, dated April 28, 2011
3. Employee-Petitioner's written request for a Hearing, dated May 2, 2011
4. Acknowledgement of Hearing request to Employee-Petitioner, dated May 3, 2011
5. Notice of Hearing to Hearing Officer Simon , dated May 12, 2011
6. Notice of Convening of Hearing to the parties of record, dated May 12, 2011
7. Employer-Respondent's Witness List and Exhibit List, dated May 31, 2011
8. Transcript of Evidence and Exhibits
9. Request for Findings of Fact from Hearing Officer Simon, dated June 22, 2011
10. Findings of Fact, rendered by Hearing Officer Simon, dated July 19, 2011
11. Certification of Hearing Record, dated July 22, 2011
12. Letter to Merit Board members, dated August 5, 2011
13. Entry of Appearance and Motion to File an Entry of Appearance and Intervene at Merit Board Meeting, filed by Employer-Respondent, on August 5, 2011

14. Receipt and Notice of Filing of Entry of Appearance and Motion to File an Entry of Appearance and Intervene at Merit Board Meeting, dated August 8, 2011
15. Letter to Frank Martinez, Attorney for Employer-Respondent, dated August 8, 2011
16. Entry of Appearance before the Merit Board, filed by Employee-Petitioner, on August 8, 2011
17. Letter to Employee-Petitioner, dated August 9, 2011
18. Letter to Merit Board members, dated August 9, 2011

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, does not support and sustain one or more of the charges of the employer, **SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE**, against the employee, **STEPHANIE WALSTON**, and/or the charges as proven by said employer fail to establish just cause for discharge.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE**, to the extent not inconsistent with the findings made herein.

2. The employee, **STEPHANIE WALSTON**, shall be reassigned to perform the duties in a position in her classification following the completion of a 60-day suspension without pay.

DATED AND ENTERED this 17th day of August, 2011.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland

Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Request for Review by the Merit Board of the Executive Director's Review Decision filed by Julie Welsh, Case Number MB-RD-UIC-11-1, pursuant to section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b))

On July 27, 2011, the Secretary for the Merit Board mailed to each Merit Board an internal summary report and the complete Review Decision of the Executive Director regarding this case. Mr. Morelock further clarified the procedures for the Merit Board Review Decision. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Chair Maitland asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the case by stating that, on April 20, 2011, Julie Welsh, currently a Clinical Practice Specialist at the University of Illinois at Chicago Medical Center, filed a Request for Review with the University System office. Ms. Welsh is to be converted from her current principal administrative appointment as a Clinical Practice Specialist, which is exempt from civil service guidelines. Ms. Welsh requested that her years of seniority as a Clinical Nursing Consultant II from June 1988 to October 2002 be added to her civil service seniority now that she is to be converted from an exempt principal administrative appointment employee back to a civil service status position.

On June 9, 2011 after completing a thorough investigation and evaluation of the record, the Executive Director determined that Ms. Welsh's exempt position was to be properly converted to a civil service status position and that she shall be awarded civil service seniority from September 16, 2008 to the present time in the Clinical Nursing Consultant II classification. Ms. Welsh shall continue to accumulate seniority in accordance with applicable civil service guidelines until she separates from civil service employment. On June 15, 2011, Ms. Welsh filed a Request for Merit Board Review of the Executive Director's decision which was timely filed.

Mr. Montgomery asked if there were procedures in place for this type of action and Mr. Morelock confirmed that there were procedures in place in the Exemption Procedures Manual. After discussion, Chair Maitland asked for a motion to either affirm the Executive Director's Review Decision as the final decision of the Merit Board or order such further review procedures. Ms. Hasara made a motion to uphold the Executive Director's Decision of June 9, 2011. Mr. Nelson seconded Ms. Hasara's motion.

A roll call vote was taken and the motion was approved with the following vote:

Ms. Hasara.....	Aye
Ms. Hill.....	Absent
Judge Holmes	Aye
Mrs. Maitland	Aye
Dr. Manering	Aye
Mr. Marshall	Aye
Mr. Montgomery.....	No
Mr. Nelson.....	Aye
Dr. Webb	Absent
Mr. Friefeld.....	Aye
Mr. Garcia.....	Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

In re JULIE WELSH,	)	BEFORE THE UNIVERSITY CIVIL
	)	SERVICE MERIT BOARD
)	
MERIT BOARD REVIEW DECISION)	
OF THE EXECUTIVE DIRECTOR,)	
	)	No. MB-RD-UIC-11-1

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

NATURE OF THE PROCEEDING

On April 20, 2011, Julie Welsh, an employee at the University of Illinois at Chicago, filed with the State Universities Civil Service System office (University System office), a written request for a Review Decision of the Director requesting that her years of seniority as a Clinical Nursing Consultant II from June 1988 to October 2002 be added to her civil service seniority now that she is to be converted from an exempt principal administrative appointment employee back to that civil service status classification. Following confirmation that Julie Welsh had exhausted all her administrative remedies at the University level, the Executive Director initiated an investigation as authorized by section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code § 250.130(a)). On June 9, 2011, the Executive Director issued a Review Decision determining that Ms. Welsh's exempt position is to be appropriately converted to a civil service status position and that she shall be awarded civil service seniority from September 16, 2008 to the present in the Clinical Nursing Consultant II classification and that Ms. Welsh shall continue to accumulate seniority in accordance with applicable civil service guidelines until she separates from civil service employment. This decision was based primarily on guidelines contained in Section 8.2(b)(4) of the State Universities Civil Service System Exemption Procedures Manual, which specifically outlines the process of converting a civil service exempt principal administrative appointment to a civil service position. Ms. Welsh therefore shall not be credited with seniority for the time period in question.

DECISION AND ORDER

Now being fully advised of the matters contained in the Review Decision Record, the University Civil Service Merit Board finds that this review proceeding has been commenced and conducted in compliance with section 250.130(b) of the Code (80 Ill. Adm. Code § 250.130(b)) and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof and issues the following Decision and Order:

The Executive Director's Review Decision rendered in this matter on June 9, 2011, is affirmed and adopted as the Final Decision and Order of the Merit Board. A copy of said Review Decision is attached hereto, and by reference incorporated herein.

DATED AND ENTERED this 17th day of August, 2011.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ Joanne E. Maitland

Joanne Maitland
Chair

ATTEST:

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

Request from the University of Illinois at Urbana-Champaign for reassignment of Separate Places of Employment

Mr. Morelock stated that in 2007, the Merit Board approved the transition of separate places of employment for the Cooperative Extension Offices at the University of Illinois at Urbana-Champaign from counties to geographically areas defined as “clusters.” On May 25, 2011, the University of Illinois at Urbana-Champaign, requested that the number of “clusters”, or separate places of employment, for the Cooperative Extension offices be further reduced. After discussion, Mr. Montgomery made a motion to approve the newly defined “clusters” as “separate places of employment” for the Cooperative Extension Offices at the University of Illinois at Urbana-Champaign. Ms. Hasara seconded Mr. Montgomery’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of the FY 2013 Budget Recommendation for the State Universities Civil Service System

Mr. Morelock updated the Merit Board on the FY 2013 Budget Recommendation Request to be submitted to the Illinois Board of Higher Education. The University System’s FY 2012 appropriation was approved and set at \$1,205,000. The FY 2012 appropriation was significantly reduced from the overall FY 2011 appropriation by the General Assembly and approved by the Governor. This FY 2012 appropriation resulted in a 5.6% or \$71,200 reduction from the FY 2011 appropriation. Most of that reduction, approximately \$44,000, was taken from the Contractual Services Line Item.

Additionally, the FY 2012 appropriation was distributed by a line item budget component, which significantly limits the flexibility for the University System in moving funds to handle unforeseen or unpredictable financial situations. The FY 2010 budget was distributed in two lump sums, personal services and other line items and the FY 2011 was distributed in one lump sum, which allowed for much more flexibility in managing the limited financial resources for the University System. With the line item budget distribution for FY 2012, it will most likely be necessary to seek approval to transfer funds from one line item to another. Therefore, in the FY 2013 budget request, some of the line items have a larger increase than others, especially the Contractual Services Line Item. Enclosed in the agenda materials sent to the Merit Board was a breakdown by line item and an analysis for each request. The FY 2013 budget request is for \$1,301,900, an increase of \$96,000 over the current FY 2012 appropriation.

After discussion, Mr. Nelson made a motion to approve the FY 2013 budget request as submitted in the agenda materials and that the budget be submitted to the Illinois Board of Higher Education to begin the budget process. Mr. Friefeld seconded the motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Update information on the Public Officials Errors and Omissions Insurance Policy

Mr. Morelock stated that the University System office was able to negotiate the renewal of the Public Official Errors and Omissions Insurance Policy for the Merit Board members and staff at the same cost (\$9,235) as FY 2011. After consultation with the Governor's office, the University System office was also able to process the voucher and receive payment within the prescribed timeframe as required by the insurance vendor.

Update on proposed rule changes to section 250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.30) and corresponding Exemption Procedures Manual

Mr. Morelock updated the Merit Board on the rule change to section 250.130 of the Illinois Administrative Code (80 Ill. Adm. Code §250.130). Since the last meeting of the Merit Board there have been no changes to the proposed rule, but modifications have been made to various sections of the Exemption Procedures Manual based on comments received from the Employee Advisory Committee and Human Resource Directors Advisory Committee. Upon inquiry, Mr. Morelock further clarified that the decision to employ an applicant to a position has always been the employer's prerogative. This rule proposal and procedure changes address only the question of whether a position is exempt or civil service, and who has the authority to make that determination. Mr. Morelock further stated that the Merit Board will have the final decision on the rule change language and whether to proceed with the rule change before submission for the 2nd Notice Period.

Update on audit issues at the University of Illinois at Chicago

Mr. Morelock updated the Merit Board on the recent reports the agency had received from the University of Illinois at Chicago (UIC) regarding the various audit issues. The Job Analysis Report for vacant academic professional positions indicated the following new academic professional positions that were approved by UIC for the following months:

- April – 16 positions
- May – 10 positions
- June – 31 positions

Ten positions still need to be determined by UIC.

The Monthly Conversions of Academic Professional Positions to Civil Service Positions Report indicated the following;

- May – 56 positions were converted to Civil Service
- June – 19 positions were converted to Civil Service

The University System continues to work closely with UIC regarding the many audit issues.

Update and action on proposed rule changes to section 250.60, Eligible Registers of the Illinois Administrative Code (80 Ill. Adm. Code §250.60); section 250.90, Probationary Period of the Illinois Administrative Code (80 Ill. Adm. Code §250.90); and section 250.110, Separations and Demotions of the Illinois Administrative Code (80 Ill. Adm. Code §250.110)

Mr. Morelock stated that the University System has three new proposed rule changes that are being proposed to be changed in section 250 of the Illinois Administrative Code:

- **Section 250.60(h)(10) of the Code** is being amended by adding a new section to provide for the permissive removal of names from registers, when the position has been posted and the posting included a timeline for removal or discontinuation of the register for that classification. Additional procedural language will be incorporated to more specifically outline the guidelines and limitations for this respect. It is planned that this provision will only apply to the Professional, Semi-Professional, and Managerial occupational areas.
- **Section 250.90(b)(2) of the Code** is being amended to possibly extend the probationary period for a comparable amount of time as required by any off-site training period. Various campus policing units had suggested this change due to the significant off-site mandatory police training required for entry level officers.
- **Section 250.110(f)(17) of the Code** is being amended to remove the language regarding a rehearing and reconsideration of a Merit Board order or decision. This language was developed prior to the implementation of the Administrative Review Act and probably should have been removed as the Administrative Review Act became law. At the last Merit Board meeting, the Merit Board indicated a desire not to reconsider any past final decisions and to defer any such appeals in accordance with the Administrative Review Act. Other current rules further clarify this intent.

After discussion, Mr. Montgomery made a motion to approve the proposed rule revisions for circulation to the universities and agencies for comments and to be published in the Illinois

Register. Mr. Nelson seconded the motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Biennial Audit Program – Review of Recent Activities

Mr. Morelock updated the Merit Board on the Final Audit Reports that had been completed since the last Merit Board meeting in May. A copy of the following audit reports were included in the agenda materials.

- *University of Illinois at Chicago*
- *State Universities Civil Service System*
- *Eastern Illinois University*

Report of the Executive Director

Executive Director Morelock provided an agency report which included the following items:

- Compliance Audit by the Office of the Auditor General for FY 2010 and FY 2011 was initiated on June 27, 2011; completion of the audit will not take place until after December 31, 2011;
- staff changes – Bryan Perrero, Legal Counsel, resigned effective June 30, 2011;
- updated the Merit Board on the FY 2011 and FY 2012 expenditures and obligations;
- updated the Merit Board on the recent classification/examination changes; and
- informed the Merit Board of interagency activities with a list of University/Agency visits included in agenda materials.

Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. The Committee last met in Springfield on July 21 and 22, 2011. The Committee discussed the attendance rule for members and discussed many of the items that were presented at this meeting by Mr. Morelock. Mr. Bryson addressed the Principal

Administrative Appointment issue and stated the advisory committee has been concerned and monitoring this issue since the 90's.

Report of the Human Resource Directors Advisory Committee

The Merit Board heard a report from Maureen Parks, representative of the Human Resource Directors Advisory Committee. The Committee last met in late July 2011 and discussed the potential rule changes as presented at this meeting. The Committee will continue to look at other possible rule changes to enhance the University System overall. The committee continues to have concerns regarding the exemption authority. She confirmed that the University System does not approve the hiring of employees at universities, but the University System wants to authorize exemptions from civil service. With the University System office budget being cut, the committee is concerned about the capability of the University System office to efficiently manage this.

Report of Legal Counsel

Mr. Morelock updated the Merit Board on some outstanding legal matters. During FY 2011 there were 66 Written Charges for Discharge and 1 Notice of Demotion served on employees at the various universities and agencies. Eighteen employees requested a hearing during FY 2011. Following is a summary of the outcome of the cases:

- 1 Employee withdrew request for hearing before hearing – (Joyce/UIUC)**
- 1 Employee withdrew request for hearing after hearing – (Butts/UIUC)**
- 2 University withdrew charges before hearing – (Wilson/EIU, Knuth/EIU)**
- 2 Settlement Agreement during hearing – (Hampton/CSU, Murray/SIUC)**
- 1 Employee Resigned before Hearing – (Pecora/UIUC)**
- 1 Employee Resigned during Hearing – (Buhr/UIUC)**
- 2 Reinstated with a 60-day Suspension – (Baker/UIUC, Walston/SIUSM)**
- 1 Reinstated – (Greene/UIUC)**
- 7 Discharged – (Hills/EIU, Black/UIC, Rettig/NIU, Richardson/UIC, Haywood/ISU, Kafka/NIU, Wegner/UIC)**

Thus far during FY 2012, 4 Written Charges for Discharge have been served on employees by the various universities and agencies and 3 of those employees have requested a hearing. Following is a summary of the status of the cases:

- 1 Settlement Agreement during hearing – (Roper/SIUC)**
- 1 Resigned before Hearing – (Sperry/UICMR)**
- 1 Pending – (Overstreet-Udeen/CSU)**

Rettig Administrative Review Case – Mr. Morelock further stated that on July 28, 2011, Judge Klein reversed the decision of the Merit Board in the Michael Rettig discharge case and reinstating Officer Rettig to his Northern Illinois University position with full back pay. The Court determined that the Merit Board's decision to discharge was against the manifest weight of the evidence and the Hearing Officer's Findings of Fact. On August 1, 2011, Northern Illinois University filed an appeal of Judge Klein's decision in the 2nd District Appellate Court. A Motion to Stay Judge Klein's decision until the appeal could be heard and decided was also filed. As a matter of law, the Merit Board will be named in the appeal, but will not be required to take an active role in the appeal process.

Kafka Administrative Review Case – Mr. Morelock stated that on June 15, 2011, Anthony Kafka filed a Summons for Administrative Review with regard to Discharge Case NIU-10-2. In this matter, the Merit Board discharged Officer Kafka from Northern Illinois University. The case is scheduled to be heard before Judge Klein on November 21, 2011.

Other Items as Presented

The next meeting of the Merit Board will be on Wednesday, November 16, 2011 at the University System Office, with videoconference locations in the Chicago, Carbondale, and Quad Cities areas. Mr. Montgomery made a motion to adjourn the meeting. Mr. Friefeld seconded Mr. Montgomery's motion. A voice vote was taken and approved. The meeting adjourned at 11:54 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Joanne E. Maitland

Joanne E. Maitland, Chair

November 16, 2011

Date